IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.745(S/S) OF 2004

Rajendra Prasad Pandey,
S/o Sh. Birbal Pandey,
Assistant Teacher in Physical Education,
A.N. Jha Government Intermediate College,
Rudrapur, District – Udham Singh Nagar. .....Petitioner.

Versus

1. State of Uttaranchal, through Secretary. Secondary Education, Dehradun, District-Dehradun.
2. Director of Education (Uttaranchal), Dehradun, District-Dehradun.
3. Regional Joint Director of Education, Kumaun Mandal, Nainital, District-Nainital.
4. District Inspector of Schools /District Education Officer, Rudrapur, District-Udham Singh Nagar.
5. Karnail Singh, Assistant Teaacher, L.T. Grade, G.I.C. Sanyasiowala, Rudrapur, District-Udham Singh Nagar (Uttaranchal).
6. Principal, Government Higher Secondary School, Gaujani, District-Udham Singh Nagar... .....Respondents.

Dated: 10.08.2006.

Hon'ble Rajesh Tandon, J.

Heard Sri Rakesh Thapliyal, Advocate for the petitioner and Standing Counsel for the respondents.

2. By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to

disburse his salary his salary from A.N. Jha Government Intermediate College, Rudrapur, District – Udham Singh Nagar.

3. Briefly stated, accordingly to the petitioner, he is working as an Assistant Teacher in L.T. Grade in Physical Education in A.N. Jha Government Intermediate College, Rudrapur, District – Udham Singh Nagar.

4. The grievance of the petitioner is that on 15th June, 2002, there was a transfer order, by which he was transferred from the Institution namely Government Intermediate College, Barakuna, but his salary has not been disbursed to him.

5. However, on 8th April, 2003, salary has been disbursed, but the following payments have not been made:-

> *"(i) From Govt. Girls Intermediate College, Bajpur for the period commencing 01.07.2002 to 24.04.2003 (suffered a loss of Rs. 60 per month in House Rent Allowance).*
>
> *(ii) From G.I.C., Pratappur, Khatima for the period commence from 25.04.2003 to 30.06.2003 (suffered 3 percent loss in Dearness Allowance).*
>
> *(iii) From Govt. Girls Intermediate College, Gadarpur for the period Commence from 01.08.2003 to 31.08.2003 (suffered a loss of Rs 155 per month in House Rent Allowance).*
>
> *(iv) From Govt. Higher Secondary School, Dehradun, Kichha for the period commence from 01.07.2003 to 30.11.2003 (suffered 4 present loss in Dearness Allowance)"*

6. Petitioner has submitted that he has made a representation for the payment of the aforesaid amount on 16.02.2004, and 24.04.2006, but the same has not yet been paid. On 10th November, 2005, the order was passed to the following effect:-

> *"On 06.10.2005, this court5 directed the Principal Government Higher Secondary School, Gaujani to permit the petitioner to joint at Government Higher Secondary School, Gaujani. Since there was a typing mistake, Gaujani was wrongly transcribed as Gaujajali, the petitioner has moved a correction application. The said correction application was allowed and corrections were incorporated vide order dated 20.10.2005. The petitioner has received the corrected copy of the order on 24.10.2005 and the same has been served upon the Principal, Government Higher Secondary School, Gajuani on 26.10.2005 within a request to permit the petitioner to join as LT Grade teacher in Institution.*
>
> *According to the petitioner, Principal, Government Higher Secondary School, Gaujani instead of permitting him to join made an endorsement that since there is no post vacant in the Institution he cannot be permitted to join.*
>
> *The action of the Principal, Government Higher Secondary School, Gaujani is contemptuous, as this court vide order dated 06.10.2005 directed the Principal, Government Higher Secondary School, Gaujani to permit the petitioner to join as LT Grade Teacher in the institution.*
>
> *Accordingly, I direct the Principle, Government Higher Secondary School, Gaujani, Distric- Udham Singh Nagar to appear before this court personally on*

16.11.2005 to explain why action should not be taken against him/her for not complying the order dated 06.10.2005 passed by this Court.

List this case on 16.11.2005.

Application is disposed of accordingly.

Learned standing counsel is directed to serve the copy of this order to Joint Direct of Education, Kumaon Mandal, Nainital."

7. However, the respondent has produced a copy of the letter dated 8th August, 2006. The letter has been filed to the following effect:-

''महोदय,

उपरोक्त विशयक श्री राजेन्द्र प्रसाद पाण्डे स0अ0 रा0इ0का0 कालाढूंगी नैनीताल के पूर्व देयक अव ोशों के सन्दर्भ में निम्नानुसार सूचना आपकी सेवा में प्रशित की जा रही है ।

1. जुलाय 05 से मई 06 तक वेतन का रू0 103434. (एक लाख तीन हजार चार सौ चौतिस) का चैक कोशागार से प्राप्त हो चुका है । भुगतान की कार्यवाही की गयी है संलग्न .01.

2. वेतन जून 06 रू0 9690.00 (नौ हजार छः सौ नब्बे) कोशागार में पारित हेतु भेजा गया है ।

3. जुलाय 06 का वेतन रू0 10018 (रू0 दस हजार अठारह) का चैक कोशागार से समस्त स्टाफ के वेतन बिल के साथ प्राप्त हो चुका है । ड्राफ्ट बनाया जाना है । संलग्न–02

4. बोनस बिल रू0 2467.00 (रू0 दो हजार चार सौ सडसठ) कोशागार से प्राप्त हो चुका है । भुगतान किया जा रहा है। संलग्न–03

अतः उक्त ड्राफ्टों को प्रधानायार्च के माध्यम से श्री राजेन्द्र प्रसाद पाण्डे स0अ0 द्वारा भुगतान कराया जायेगा ।''

8. In the list enclosed with the aforesaid letter, the name of the petitioner stands at Serial No. 1 for the payment of the salary.

9. In view of the above, respondents are directed to pay the amount within a period of four months from the date of presentation of the certified copy of this order.

10. With petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

10.08.2006
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